

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Toshiya Fujisato, et al.

Examiner: Russell G. FIEBIO

Serial No.: 10/562,833

Group Art Unit: 1655

Filed: September 6, 2006

Confirmation No.: 8388

Title: **METHOD OF CELL INJECTION INTO BIOTISSUE AND APPARATUS THEREFOR**

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to this restriction requirement mailed August 24, 2011, Applicants hereby elect, with traverse, Group IV, Claims 20-25 drawn to a system for injecting cells into a biological tissue. Applicants respectfully traverse the restriction requirement. The Patent Office has not established that it would pose a serious burden on the Examiner to search all the groups. It is submitted that only minimal, if any further search would be necessary to examine the remaining groups. "If search and examination of an entire application can be made without serious burden, the examiner **must** examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) See, M.P.E.P. §803.

Special technical feature

It is argued in the Requirement for Restriction that the claims lack special technical feature over JP 8-322568. See page 4 of the Office Action. This contention is respectfully traversed. JP 8-322568 fails to teach or suggest the systems claimed herein. Accordingly, it is submitted that the claims have special technical feature over the cited art and the requirement for restriction should be withdrawn. Favorable action is earnestly solicited.

Group III

Should the restriction requirement still be maintained, Applicants respectfully request that at a minimum, the restriction requirement should be modified to include the claims of

Group III (claims 13–19), directed to a method for preparing transplantable biological tissue segment. The claims of Groups III and IV are directed to a process and an apparatus/means specifically designed to carry out said process. In accordance with CFR 1.475(b)(4) and the Examiner's comments at page 3 of the Office Action, the Groups should be examined together. Favorable reconsideration is respectfully requested.

Applicants reserve the right to file one or more divisional applications directed to non-elected inventions.

The Commissioner is hereby authorized to charge any fees associated with this response to Deposit Account No. 13-3402.

Respectfully submitted,

/Sagun KC/

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